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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

G08.126

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on September 21, 2006

Signature Rand P. Calhoun

Typed or printed name Randolph P. Calhoun

Application Number

09/812,628

Filed

March 20, 2001

First Named Inventor

Lawrence, David

Art Unit

3628

Examiner

Jennifer Liversedge

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐

attorney or agent of record.

Registration number _____

☒

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 45,371

Rand P. Calhoun

Signature

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Telephone number

September 21, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LAWRENCE

Application No.: 09/812,628

Filing Date: 3/20/2001

For: AUTOMATED ACCOUNT RISK
MANAGEMENT

) Group Art Unit: 3628

) Examiner: Jennifer Liversedge

) **PRE-APPEAL BRIEF REQUEST FOR
REVIEW**

) Attorney Docket No.: G08.126

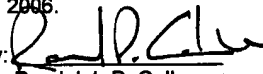
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Dated: September 21, 2006

By:


Randolph P. Calhoun

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated July 21, 2006, and the Advisory Action dated August 31, 2006, Applicant respectfully requests a Pre-Appeal Brief review for the reason(s) that begin on page 2 of this paper.

REASON(S) FOR REQUESTING A PRE-APPEAL BRIEF REVIEW

Claims 1 - 20 are in the application. Claims 1, 16, and 20 are the independent claims in the application.

Claims 1 – 3, 5 – 9, 11, and 20 stand finally rejected under 35 USC 103(a) as being unpatentable U.S. Patent Number US 2003/0135457 A1 to Stewart et al. (hereinafter, Stewart). Applicant respectfully submits that the cited and relied upon Stewart fails, as a matter of fact, to disclose or suggest at least one aspect recited in all of the pending claims. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the final rejection.

Claims 1, 16, and 20 relate to a risk quotient associated with a reputational risk of opening a client account wherein the reputational risk relates to a professional standing in an industry of an account opening entity. Thus, it is clear that Applicant claims a risk quotient associated with a reputational risk of opening a client account and the reputational risk relates to a professional standing in an industry of an account opening entity.

The cited and relied upon Stewart discloses a system and method for electronically establishing a demand deposit account. In particular, Stewart discloses a system and method wherein a customer applies for the demand account on-line and provides personal information to an institution as necessary for the institution to determine the product(s) for which the customer is approved. Stewart states an automated system acquires predictive information, interacts with established debit, credit, and other databases, and either approves or denies the customer's application for a demand deposit account. (See Stewart, paragraph [0007], ln. 6 – 13) Stewart specifically discloses the use of debit and credit databases. No mention or suggestion is made in Stewart regarding Applicant's claimed risk quotient criteria associated with reputational risk of opening a client account, wherein the reputational risk relates to a professional standing in an industry of an account opening entity.

The Stewart system includes “an authorization system 60 [that] is used to validate consumer identity and to assess customer risk, unique financial product usage, demographic knowledge at a household-level-assessment, and cross-sell qualification. ... The authorization system 60 uses a logistic-regression model to predict the likelihood of financial (and particularly debit) account-related abuse. The authorization system 60 uses customer data such as the customer's social security number, driver's license number, and address to calculate the risk that an account will be closed for abuse at a later date.” (emphasis added) (See Stewart, paragraph [0020], In. 1 –14) Stewart also discloses a fraud identification system (70) that predicts the likelihood of identity manipulation and predictive fraud modeling, and helps to identify inconsistent, inaccurate, and fraudulent information provided by the customer. (See Stewart, para. 0042)

Stewart discloses a demand account approval process that explicitly considers a credit or financial risk and a fraudulent identity risk. Specifically, the credit risk relates to a credit rating of the customer and the fraudulent identity risk relates to “inconsistent, inaccurate, and fraudulent information provided by the customer”. (See Stewart, paragraphs [0020], In. 19 – 21, and [0040], In. 9 – 12) Stewart also discloses searching lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance.

It is thus clear that the risks explicitly disclosed and considered in Stewart specifically and directly relate to the customer's credit and financial standing, as well as the customer's identity and strict compliance with OFAC regulations.

Applicant respectfully agrees with the Examiner's admittance that Stewart does not disclose “wherein said reputation relates to a professional standing in an industry of an account opening entity.” However, Applicant disagrees with the Examiner's broadly stated conclusion that it would have been obvious to one skilled in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. (See Final Office Action dated July 21, 2006, page 3, In. 16 – page 4, In. 1)

Applicant respectfully submits that the reasons provided in the Advisory Action dated August 31, 2006 for not allowing the application are also factually incorrect. For example, the Examiner states, "[S]tewart discloses the use of reputation in considering account opening. The consideration of credit score and credit rating are part of reputational risk."

Applicant disagrees with the Examiner's definition of reputational risk on the basis that it is not supported by the cited and relied upon Stewart or any other substantiated evidence. Additionally, the Examiner's alleged definition of the claimed reputational risk is contrary to Applicant's clearly claimed and disclosed meaning of the term "reputational risk". As a matter of fact, Applicant states reputational risk relates to harm that a financial institution may suffer regarding its professional standing in an industry (Specification, page 2, ln. 9 – 10) and claims reputational risk relates to a professional standing in an industry of an account opening entity. Applicant also discloses, "[C]redit risk relates to factors that can adversely affect a party's ability to borrow money." (See Specification, page 2, ln. 3 – 4) The data and analysis to identify credit risk is not the same as the data and analysis needed to identify the claimed reputational risk. The credit score and credit rating factors disclosed by Stewart clearly relate to a credit risk.

Thus, it is clear, as a matter of fact, that Stewart fails to disclose the claimed reputational risk and the motivation or basis of the Examiner's conclusion that Stewart suggests the claimed reputational risk is erroneous.

Accordingly, Applicant submits that claims 1 – 3, 5 – 9, 11, and 20 are patentable over Stewart under 35 USC 103(a).

Claims 4, 10, 14, and 16 - 19 were rejected as being unpatentable over Stewart, and further in view of U.S. Patent Number US 2002/0143686 A1 to Greene et al. (hereinafter, Greene).

Applicant further submits that Greene fails to address or overcome the failings of Stewart. As clearly shown above regarding claims 1 and 20, Stewart fails to disclose or

suggest the claimed reputational risk. Accordingly, even combining Stewart with Greene (as alleged in the Office Action but not agreed with as suggested or feasible by Applicant) would not render claim 16 obvious.

Applicant respectfully submits that claims 4, 10, 14, and 17 – 19 depend from allowable base claims and are therefore also allowable. Accordingly, Applicant submits that claims 4, 10, 14, and 16 - 19 are patentable over Stewart and Greene under 35 USC 103(a).

Claims 12 - 13 and 15 were rejected as being unpatentable over Stewart as applied to claim 1 above, and further in view of Dictionary of Economics by Wiley (1995) from www.xreferplus.com.

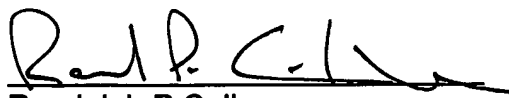
Applicant respectfully submits that claims 12 - 13 and 15 depend from an allowable base claim, namely claim 1. For at least this reason, Applicant submits that claims 12 - 13 and 15 are also allowable.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 20.

If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

September 21, 2006
Date


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